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June 2, 2022

Via ECF

The Honorable Valerie E. Caproni
U.S. District Court Judge
Southern District of New York

Re: CFTC v. Alexandre, et ano., No. 22 Civ. 3822 (VEC)

Dear Judge Caproni:

The parties jointly move to extend the operative restraining order, *see* Fed. R. Civ. P. 65(b)(2), and to adjourn the hearing on the CFTC's motion for a preliminary injunction to June 21, 2022, *see* Dkt. 6. If this request is granted, the parties further request a corresponding adjustment of the deadlines in the Court's June 1, 2022 order from June 3 to June 17 and June 6 to June 20. *See* Dkt. 40.

The restraining order is currently scheduled to expire on June 7, 2022. *See* Dkt. 31. The reason for this request is that Defendant Eddy Alexandre was detained between May 12 and May 31, 2022, with limited access to counsel, in connection with *United States v. Alexandre*, 22 Mag. 4184. On the afternoon of May 31, Mr. Alexandre was released from custody subject to a set of modified bail conditions entered on May 26. The requested adjournment will allow time for Mr. Alexandre to consult with counsel regarding the allegations in this action and the CFTC's motion for a preliminary injunction.

This is the second request for an extension of the restraining order and an adjournment of the preliminary injunction hearing. The CFTC and the temporary receiver, on behalf of Defendant EminiFX, Inc., consent to this request. Defendant Alexandre takes no position as to the temporary receiver agreeing to this motion on behalf of Defendant EminiFX, Inc.

Respectfully submitted,

/s/ Emil Bove

Emil Bove
Melissa Wernick

Attorneys for Eddy Alexandre

Cc: Counsel of Record
(Via ECF)

Given that the adverse parties consent to the longer extension, *see* Fed. R. Civ. P. 65(b)(2), the statutory restraining order currently in effect (Dkt. 9) is hereby extended to **Friday, June 17, 2022**.

The hearing on the preliminary injunction, currently scheduled for Tuesday, June 7, 2022 at 1:00 P.M., is adjourned to **Friday, June 17, 2022 at 2:30 P.M.** By no later than **Tuesday, June 14, 2022**, the parties must file the proposed consent preliminary injunction, were they to agree upon one. If the parties are unable to agree, Plaintiff must file a proposed preliminary injunction by no later than **Wednesday, June 15, 2022 at 12:00 P.M.** Any response by Defendants is due no later than **Thursday, June 16, 2022 at 12:00 P.M.**

The June 17, 2022 hearing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over a horizontal line.

Date: June 2, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE